United Nations CEDAW/C/SVK/CO/5-6/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
22 December 2017

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fifth and sixth periodic reports of Slovakia

Addendum

Information provided by Slovakia in follow-up to the concluding observations*

[Date received: 20 December 2017]

Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

17-23157 (E) 271217

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1. The Slovak Republic has ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1993. The Convention has become a leading document when implementing gender equality policies and measures in various areas of public and private life in Slovakia. The Slovak Republic submitted 3 reports to the Committee on the Elimination of Discrimination against Women (CEDAW): the Initial report in 1996, the combined second, third and fourth periodic reports in 2007 and the combined fifth and sixth periodic reports in 2014. The Committee considered the combined fifth and sixth periodic reports of Slovakia at its 1359th and 1360th meetings, on 12 November 2015.

2. The Concluding observations on the combined fifth and sixth periodic reports of Slovakia were published by the Committee on 25 November 2015 (CEDAW/C/SVK/CO/5-6).

3. The Follow-up to the concluding observations reads as follows:

"The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 9 and 19 (a) above".

4. The State Party provides the requested information on the steps taken.

Recommendation No. 9

"Reiterating its previous recommendation (CEDAW/C/SVK/CO/4, **para 9) the Committee recommends that the State party review the Anti-discrimination Act in order to eliminate any form of discrimination against women in all areas covered by the art 2 of the Convention in line with the general recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women".**

5. The *Constitution of the Slovak Republic* states that human rights are guaranteed to every individual regardless of sex, race, skin colour, language, belief, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, lineage or any other status. No person shall be denied their legal rights, discriminated against or favoured on any of these grounds. Furthermore, the Constitution guarantees the international treaties on human rights and fundamental freedoms take precedence over national laws. Moreover, serious offensive and discriminatory practices are outlawed by the Criminal Code.

6. The Act No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination and the Amendment of Certain Acts, A.K.A. **the Antidiscrimination Act**, regulates the application of the principle of equal treatment and determines available remedies for legal protection.

7. The Antidiscrimination Act applies to the area of labour law, social security, and healthcare, provisions on goods and services and education. The area of labour relations includes access to employment, occupation, or other for-profit activities or functions (hereinafter referred to as "employment"), including requirements for admission to employment and the conditions and method of selection for employment, employment and conditions at work, including employment remuneration, promotion and dismissal, access to vocational training, advanced vocational training and participation in active labour market measures, including access to job counselling services or membership and activity in employee

organizations and organizations associating professionals in various fields, including the benefits that these organizations provide to their members.

8. The Antidiscrimination Act also regulates the use of temporary affirmative actions which are an exception from the principle of non-discrimination. The aim is to eliminate existing disadvantages imposed on the grounds of racial or ethnic origin, association with a national minority or ethnic group, gender or sex, age or disability. Their objective is to ensure application of the equal opportunities principle in practice. Such measures may be adopted by state authorities and local governments as well as all legal entities (citizens' associations, schools, companies, etc.).

9. In accordance with the Antidiscrimination Act, a party to an anti-discrimination case can be represented by a legal person entitled by the law. Pursuant to the *Act No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human rights* — an equality body, the **Slovak National Centre for Human Rights** (the Centre) fulfils several tasks in the area of the protection of the principle of equal treatment. The Centre, among others, provides legal assistance to victims of discrimination and manifestations of intolerance, issues expert opinions concerning the observance of the principle of equal treatment (upon request of legal persons, individuals or on its own initiative) and undertakes independent investigations concerning discrimination, prepares and publishes reports and recommendations concerning discrimination.

10. Regarding the recommendation No. 9, the Slovak Republic does not consider any need to amend the Antidiscrimination Act since it fully covers any discrimination against women in a wide scope of rights and areas. The scope covered by the Antidiscrimination Act remains in line with article 2 of the Convention and its general recommendation No. 28. No plans for enhancement were also stated during the constructive dialogue on 12 November 2015 (CEDAW/C/SR.1359). Furthermore, the Convention is a part of the Slovak legislation and as such can be used by either individuals or interest groups in legal proceedings in cases related to gender based discrimination.

Recommendation No. 19 a

"The Committee urges the State party to:

(a) Carry out awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities between women and men".

Work — life Balance in the Labour Market

11. Regarding the reconciliation of family and working life, we would like to point out that the Labour Code includes provision for flexible forms of employment which has a positive effect on the employment of parents who wish to balance family and work duties. The following flexible forms of employment are defined:

- Employment with shorter working time (part-time work);
- A labour-law relationship based on an agreement on the performance of work or agreement on work activity;
- Job sharing — this option allows an employer to create a shared job for 2 or more part-time employee;
- Flexible working time;
- Homework and telework.

12. These atypical forms of employment including variable forms of working time increase employees' satisfaction, increase job quality, increase the efficiency of work processes and help employees to reconcile their work and family duties. Each of the above-mentioned flexible forms of employment has its own special characteristics and the employer and employee have the option to choose any of the methods in the current legal framework and the agreed type of labour relationship.

13. Supervision of compliance with an employer's duty to respect the principle of equal treatment and condition for working parents in relations with employees is included in labour inspections concerning compliance with Labour act. The purpose of such inspection includes monitoring the situation relating to discrimination and the detection of workplace discrimination.

14. In January 2011, a new form of parental benefit (paid during the period of parental leave) came into force which permits parents receiving the parental benefit while working without the loss of any part of the allowance. In this case, parents must ensure regular care for their child (by relatives, other persons or informal institutions).

15. In addition, parents may choose between parental benefit and childcare benefit. Childcare benefit is provided to working or studying parents with children under three (or under six in the case of children with long-term health problems) and is intended to cover part of costs related to childcare. Reimbursement of documented childcare costs is provided up to a ceiling of €280 per month and per child where the childcare is provided by a recognised institution or registered childminder.

Father's involvement in child care

16. The Slovak Republic has adopted effective legal amendments, policies and measures aimed at encouraging father's involvement in child care.

17. Since 2004, the principles covered by the Anti-discrimination Act have been fully incorporated into *Act No. 461/2003 Coll. on social insurance, as amended* (hereinafter the "Social Insurance Act"). During the preparation of every amendment of the Social Insurance Act care is taken to ensure that these principles are consistently applied.

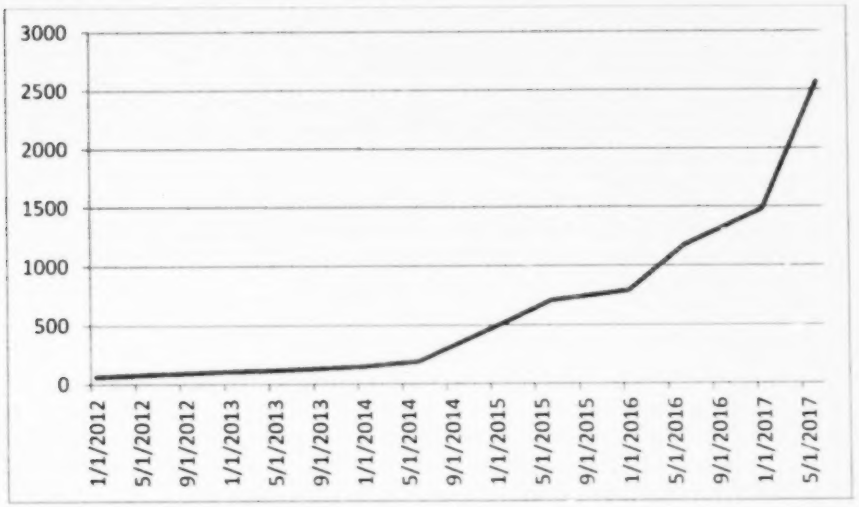
18. Since January 2017, an improved condition for women on maternity leave was an increase in maternity benefit to 75% of the daily assessment base paid for the period of 34 weeks. In case of women who give birth to two or more children and care for at least two of them, the duration of maternity benefit was extended from 37 weeks to 43 weeks. A single mother is entitled to maternity benefit until the end of the 37th week from the start of entitlement to maternity benefit.

19. Entitlement to a maternity allowance may also be used be the father of a child if the mother returns to labour market and does not receive any maternity or parental allowance. However, the father may not request the maternity benefit before six weeks from the day of delivery (this time is fully dedicated to a mother) and must end until the child is 3 years old. The maternity allowance paid for the father is the same as for the mother, e.g. 75% of income before taking maternity leave (following a legal amendment, the maximum amount in 2017 for a 31-day calendar month is 1,260 euros, compared with 945 euros in 2016).

20. As a result of the aforementioned measures, the increasing trend of the number of men Slovakia on a maternity leave remains significant. While in June 2012 there were only 81 male parents taking maternity leave, in 2014 the number rose to 187, in 2015 to 705, in 2016 to 1 173 and in the same month June 2017, the maternity benefit

has been used by 2,563 men. Particularly in the younger generation, the double carers and double breadwinners model prevails with father using the benefit to stay with a child for a period up to 7 months.

Graph 1
Number of men on a maternity leave (2012–2017)



Source: 1 Social Security Agency.

21. Compared to the total number of mother-earners, in June 2017 the proportion of fathers taking a maternity leave was 9% (2,563 from a total number of 28,561 beneficiaries in total).

22. According to the Gender Equality Index developed by the European Institute for Gender Equality:

- When it comes to the use of time, the Slovak Republic achieved a level of 17.7, which means that the family obligations play a significant role to the disadvantage of women (EU 28 average is 37.6);
- In terms of care activities, and taking into account the differences between working women and men and their involvement in the care and education of their children or grandchildren as well as through their involvement in the cooking and housework, women in the Slovak republic reached a much higher level compared to men, 52.7 (men 23.3), while the EU average for women is 44.6 and for men 27.4;
- In the area of social activities, taking into account the gender gap in participation of women and men in sports, cultural or leisure activities, the participation rate of women reached 5.1 and 5.5 for men (EU average 9.1 women and men 12,2);
- Based on a survey from 2014, it was found that 82% of families and carers were women, mostly in the age group of 51-64 years. These were mainly the adult children (40%, adult daughters and daughters in law) and parents of dependent children (20%);

- The weekly working time of women in the Slovak Republic was about 39.4 hours in 2013. This happened to be the second highest figure in the EU-28 (Bulgaria-40.4 hours). The Slovak woman worked almost 6 hours more per week compared to the EU-28;
- In the area of institutional care for children under 3 years of age the Slovak republic ranks among the countries with the lowest range of institutional care (of educated) children in the nursery. According to the data from Eurostat only 4% of children under three years were provided with institutional care in the Slovak Republic in 2012;
- On average every twenty-fifth woman (4%) works from home regularly in the Slovak republic, and every twentieth woman (5.2%) aged 15-64 works from home periodically;
- Considering financial resources, the greatest issue for parents is to ensure care for children aged 3–4 years who are not accepted in public kindergartens for capacity reasons and subsequently enrol in private kindergartens, already with no entitlement to child care.

Public opinion on gender roles in the family

23. A positive development is visible when it comes to the public opinion on the role of a woman and man in the family. The following views of population are drawing from the ISSP research Slovakia 2012.[1] The research represents the most recent data available in the area and allows for some questions and comparisons with 2002 research (i.e. to follow the changes for the decade 2002 and 2012).

24. A prevailing view — 75.8% of the respondents — agreed with an opinion that a working mother can have as good of a relationship with her children as a mother who does not work. Approximately 65% of the population shares the opinion that to have a job for a woman is the best way to be independent, but at the same time almost 61% also agree, that a woman basically wants to have a home and children although having a job is fine. In a comparison with opinions from 2002 it can be said that the agreement to the positive view of women's employment has been visibly strengthen in the population. Moreover, an approval rate of the opinion that family life is affected if the mother is working full time has decreased significantly (from 53% to 38%) as well as the opinion that a baby in a pre-school age suffers if the mother works (50% to 33%).

25. The comparison of the positive answers (agree) in 2002 (light orange) to 2012 (dark orange):

1. To have a job for a woman is the best way to be independent;

2. To stay in a household can fulfil the ambition of a woman in the same way as it does if she works;

[1] Research ISSP Slovakia 2012 is a modular part of the regular surveys International social Survey Program, focusing on different areas. IN in 2012, the family module, the work and the module were repeated birth roles (first time in 2002). Sampling and field collection of research data ISSP Slovakia 2012 was provided by the research agency TNS Slovakia. Respondents were selected for the research by a stratified multi-level probability selection on a sample of 1,128 respondents in a age 18 a more. Data collection took place between 25.10.2012–10.12.2012. The collection of data supported by the Research Promotion Agency and development (grant No APVV-0309-11), the data are publicly available in Slovak Social Data Archive (http://sasd.sav.sk/en/data_katalog_abs.php?id=sasd_2012001). Data for 2012 are weighted.

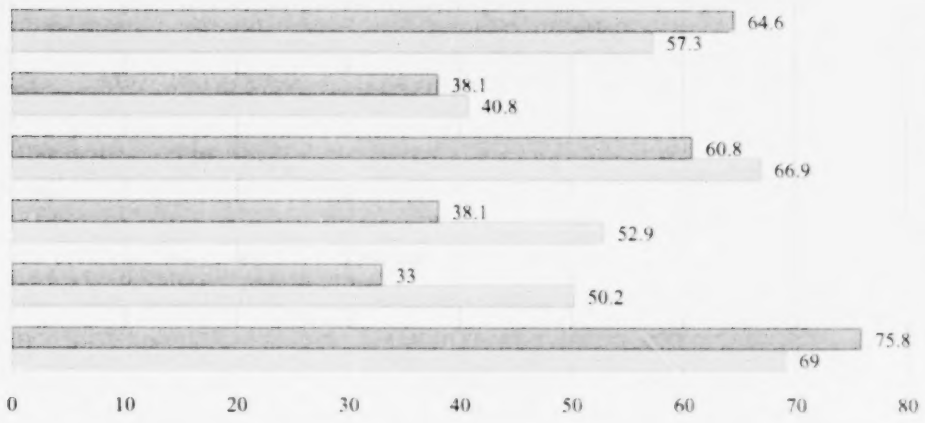
3. To have a job is o.k. but the majority of the women wants to have a home and a family;

4. The family life is effected if the mother is working full time;

5. A child in a pre-school age suffers if a mother works;

6. A working mother can have a relationship of affection, as does a non-working mother;

Opinion on the role of a woman in the family (in %, 2012 a 2002)



Source: ISSP Slovakia 2002 a ISSP Slovakia 2012.
Note: the answers are the sum of the answers "I totally agree and rather agree" in %.

26. In 2002 ISSP program examined whether men should be more involved in housework and child care. More than 54% of the population accounted for a greater proportion of men involvement in housework, while 27% were ambivalent. 60% of the population agreed with a greater engagement of men in child care, while 26% remained ambivalent. In 2012, these questions were not repeated, but replaced by the following statements:

(a) A man should be the principal breadwinner for the family, this remains true in case when a woman is working too;

(b) In times of a high unemployment rates, women should preferably stay in the household.

27. 72% of the population agreed with the first statement (a), while only 16% agreed with the second (b). However, a long-lasting view that both genders (male and female, 81%) should contribute to household income remains of a strong support in the population. 51% of the population agreed with the statement that the mission of a man is to make money and the mission of a woman is to take care of household and family, the ambivalent opinion was found in 26% of population (ISSP Slovakia 2012).

45% of Slovak adult population consider the ideal family model to be where both partners have the same demanding jobs and the care for children is divided equally (more for women than for men). A traditional family model, in which only a husband

is employed and woman stays in the household is the ideal for less than 10% of the Slovak population. The model of unequal parental roles, i.e. when the woman bears the full or greater part of the responsibility for the care of children and in the household as a perfect model accounts for almost 51% of the population (47.6% of women and men, and 54% of men).

We offer you three family models. Which one best corresponds to your idea of an ideal family? (%, n = 1128)

	In sum	*Women*	*Men*
A family where both partners have the same demanding employment and child care share the same work	44.8	48.4	40.9
A family where a woman has a less demanding job and where most of the responsibility for children and the household falls on a woman	40.9	39.3	42.5
A family where only a husband and wife is employed cares for children and a household	9.7	8.3	11.3
None of these models	4.6	4	5.3

Source: ISSP Slovakia 2012.

28. Despite of those positive developments, Slovakia is still a country with a wide perception of traditional gender stereotypical roles. In the urban areas, families particularly the younger ones, are developing family models which are fully corresponding with a non-stereotypical division of care responsibilities. However, the rural areas where the majority of the population lives, the perception of gender stereotypes is still very strong and supported by the religion background of the citizens. Those results have been obviously in the latest Eurobarometer survey on gender equality and gender stereotypes, where respondents from Slovakia have shown one of the strongest perceptions of gender stereotypes.

29. However, since there is a basic right of every citizen to live his or her private live in the line with his or her religion or worldview, there is a very limited possibility for states authorities to interfere in the division of the care responsibilities in the private life. Furthermore, there is a strong conservative movement which aims to defend the traditional gender roles in the society which has a support of the large proportion of the population.